



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3022299
Applicant Name: Dale Johnson
Address of Proposal: 7440 East Green Lake Drive N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 3-story structure containing six apartment units in an environmentally critical area. Parking for 12 vehicles to be provided. Existing structures to be demolished.

The following approval is required:

SEPA – Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION

- ☒ Determination of Non-Significance
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

Background

Seattle DCI concluded that an ECA Steep Slope Area Variance, or an Exception, is not required to develop this property.

Site and Vicinity

Site Zone LR2

Nearby Zones North: LR2
South: SF5000
East: LR2
West: LR2

Site Size: 9,657 sq. ft.



Existing Conditions: The proposal site consists of two adjoining parcels at 7440 and 7448 East Green Lake Drive in the Green Lake neighborhood. Both parcels are currently occupied by single-family residential structures. The site is bound by an alleyway to the north of the site and East Green Lake Drive to the south. The project area has a descending slope from a northeast to a southwest direction.

Project Description: The project proposal consists of the construction of a new, three story multi-family residential structure with basement level parking and rooftop deck. The applicant is proposing to remove a total of seven (7) trees from the combined two parcels to accommodate the new building footprint.

Per SMC 25.09.180, an exemption from the development standards for steep slope development was granted under 6464363: “7440 East Green Lake Drive North; ECA review is required. Based on a review of the City GIS system and the submitted information, Seattle DCI concludes that the ECA Steep Slope area on the property is in an area of existing development. It also appears to be the result of previous legal grading associated with right-of-way improvements and site development. Consequently, the project qualifies for the Relief From Prohibition On Steep Slope Development criteria, as described in SMC 25.09.180 B2a and b. An ECA Steep Slope Area Variance, or an Exception, is not required to develop this property. Except as described herein, the remaining Environmentally Critical Areas requirements apply.”

Public Comment:

Seattle DCI received one comment letter from the Washington State Department of Health, during the public comment period, which ended on October 28, 2015. The letter related to the potential risk of exposure to lead and other hazardous materials during the demolition of the two existing residential structures.

These concerns will be addressed during the review of the building project component of this application. Should lead or other hazardous materials such as asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements.

ANALYSIS – SEPA

The project site is mapped as an Environmentally Critical Area (ECA) Potential Slide Area. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review per (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on September 18, 2015. The Seattle Department of Construction and Inspections has analyzed and annotated the environmental checklist submitted by the project applicant in addition to reviewing the project plans and all additional information in the file as well as pertinent comments received regarding this proposed action red. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, *“Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

City codes and/or ordinances apply to the proposal and will provide mitigation for short and or/long term impacts. Applicable codes may include the following: *Stormwater Code* (SMC 22.800-808); *Grading Code* (SMC 22.170), *Street Use Ordinance* (SMC Title 15), *Seattle Building Code*; *Regulations for Environmentally Critical Areas* (SMC 25.09); and *Noise Control Ordinance* (SMC 25.08).

Short-term Impacts

The following temporary or construction-related activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Earth/Soils

The ECA Ordinance and Director’s Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering

report prepared by Pan Geo Incorporated, Earthquake Engineering Consultants dated February 20, 2015. The report has been reviewed and approved by Seattle DCI's geotechnical experts, who will establish specific requirements in order for the work to proceed without undue risk to the property or adjacent properties.

Greenhouse Gas Emissions

Construction activities including added commuter trips and construction vehicle use will result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are considered to have an adverse effect, they are temporary in nature and therefore not expected to be significant.

Long -term Impacts

Long-term or use-related impacts on the environmentally critical area are also anticipated as a result of approval of this proposal, including: increased bulk and scale on the site; increased public demand for public services and utilities; increased energy consumption; minor increase in light and glare; increased traffic and parking demand; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. No further SEPA conditioning is warranted (SMC 23.05.665).

Greenhouse Gas Emissions

Future construction and operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions. No further mitigation is warranted (SMC23.05.665).

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required

under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the Optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS - SEPA

None.

David Landry, Land Use Planner
Seattle Department of Construction and Inspections

Date: March 7, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.